

ARTICLE II - DEFINITIONS**Section 200 - General**

Except as specifically provided herein, all words used in this ordinance shall have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated.

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular number include the plural and words used in plural number include the singular.
- (c) The word "person" includes any natural person, firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- (d) The word "lot" includes the words "plot" or "parcel."
- (e) The word "building" includes the word "structure".
- (f) The word "shall" is mandatory, not directory.
- (g) The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (h) The word "map", "zoning map" or City of Barnesville Zoning Map" shall mean the "Official Zoning Map of the City of Barnesville, Georgia".
- (i) The word "Ordinance" shall mean the Official Zoning Ordinance of the City of Barnesville, Georgia.

Section 210 - Specific Definitions

When used in this ordinance, the following words and phrases, whether capitalized or not shall have the meaning indicated in this section.

- (1) **ACCESSORY BUILDING/ USE:** A building of that:
 - (a) is subordinate to and serves a principal structure or a principle use,
 - (b) is subordinate in area, extent, and purpose to the principal structure or use served,
 - (c) is located on the same lot as the principal structure or use served, except as otherwise expressly authorized by the provisions of this Ordinance,

- (d) is customarily incidental to the principal structure or use.
- (2) ADDITION: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or which is separated by independent perimeter load-bearing wall is new construction.
- (3) ALLEY: A platted service way providing a secondary means of access to abutting properties.
- (4) APARTMENT: A single-family dwelling unit in a multi-unit structure.
- (5) APARTMENT BUILDING: A multi-family dwelling unit structure consisting of single-family dwelling units separated by fire resistance as required by the Building Code of the City of Barnesville, Georgia.
- (6) AUTOMOBILE SERVICE STATION: Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services, including facilities for lubricating, washing and cleaning, of otherwise servicing automobiles, but excluding painting and major repair.
- (7) AUTOMOBILE REPAIR GARAGE: Any area of land, including structures thereon, used for the retail service of major repairs, minor repairs and painting of automobiles, including the incidental services of lubrication and cleaning
- (8) AUTOMOBILE WRECKING YARD, AUTOMOBILE USED PARTS LOT OR JUNKYARD: Any place where three (3) or more vehicles not in running condition, and not being restored to operative condition, or the parts thereof, are stored in the open, or any building or structure used principally for wrecking or storage of automobiles not in running condition. Any vehicle on which repairs to restore the vehicle to operative condition have not begun within a 30 day period from the time such a vehicle appears on the property shall be considered as "not in running condition" for the purpose of this definition.
- (9) BASEMENT: A space having one-half (1/2) or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6-1/2) feet.
- (10) BED AND BREAKFAST INN: Any owner-occupied dwelling of portion thereof offering transient lodging accommodations and breakfasts to not more than 12 paying guests. Commercial restaurant or kitchen facilities are prohibited.

- (11) **BLOCK**: A piece or parcel of land entirely surrounded by public highways of streets, other than alleys.
- (12) **BUILDING**: Any structure having a roof supported by columns or wall and intended for shelter, housing, or enclosure of persons, animals, or goods.
- (13) **BUILDING, ALTERATIONS OF**: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
- (14) **BUILDING, HEIGHT OF**: The vertical distance measured from the average elevation of the proposed finished grade at the front to the height level between the eaves and ridge for gable, hip, and gambrel roofs and to the deck line of a mansard roof.
- (15) **BUILDING, MAIN**: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.
- (16) **BUILDING OFFICIAL**: The individual who is designated as the official by the City Manager of the City of Barnesville, Georgia.
- (17) **CEMETERY**: Any plot or ground, churchyard, building, mausoleum or other enclosure used for the burial of the dead.
- (18) **CITY**: The City of Barnesville, Georgia.
- (19) **CITY CLERK**: The individual who is employed by the City of Barnesville as the City Clerk.
- (20) **CLINIC**: An establishment where patients who are not lodged overnight are admitted for examination and treatment.
- (21) **CLUB, NONPROFIT**: Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purposes, but not primarily for profit or to render a service to the general public.
- (22) **COMMISSION**: The Barnesville/Lamar County Planning Commission.
- (23) **COMPREHENSIVE PLAN**: Any part or element of the adopted Comprehensive Plan for the City of Barnesville as it pertains to the City of Barnesville.

- (24) CONDOMINIUM: A building (or group of buildings) in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.
- (25) CONVENIENCE STORE: A one-story, retail store containing less than 3,500 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and household supplies, auto fuel, to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic.
- (26) COUNCIL: The Mayor and Council of the City of Barnesville, Georgia
- (27) DAY-CARE-HOME: A child care facility located in a private residence and operated by any person who receives pay for three (3) to six (6) children under eighteen (18) years of age, without transfer of custody, for more than four (4) hours and less than twenty-four (24) hours per day, and is registered by the state.
- (28) DAY CARE CENTER: A private establishment enrolling seven (7) or more children under the age of 18 and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed by the state and city to operate as a day care facility. A private home in which seven (7) or more children are kept shall be considered a day care center for the purpose of this Ordinance and shall be permitted to operate only where licensed by the state and permitted by the use regulations of the district in which it is located. Foster homes, group homes and other private homes in which children reside 24 hours a day are not considered day care centers.
- (29) DENSITY: The number of dwelling units per gross acre of land.
- (30) DISTRICT: A section of the City of Barnesville within which the zoning regulations are uniform.
- (31) DWELLING: Any building or portion thereof which is designed for or used for residential occupancy including one-family, two family and multi-family but not motels or hotels.
- (32) DWELLING, MULTI-FAMILY: A building designed for or occupied exclusively by three (3) or more families living independently of each other, provided that manufactured housing shall not be included within this definition.
- (33) DWELLING, SINGLE-FAMILY: A building designed for or occupied exclusively by one (1) family.

- (34) DWELLING, TWO-FAMILY (DUPLEX): A building designed for and occupied exclusively by two (2) families living independently of each other.
- (35) DWELLING UNIT: A dwelling or portion thereof providing permanent living quarters for one (1) or more persons living as a single housekeeping unit.
- (36) EASEMENT: A grant by a property owner of the use of land for a specific purpose of purposes by the general public, or a corporation or a certain person or persons.
- (37) FCC: Shall mean the Federal Communications Commission.
- (38) FAMILY: One or more related persons who are related by blood or marriage, living together and occupying a single housekeeping unit with separate kitchen facilities, or no more than four (4) unrelated persons occupying a dwelling and living as a single housekeeping unit.
- (39) FLOOR AREA: The total area of all floors of a building as measured to the outside surfaces of exterior walls of from the centerline of walls separating two (2) connecting buildings, and including halls, stairways, and elevator shafts, but excluding attached garages, porches, balconies, unfurnished basements, and attics with headroom of less than seven (7) feet.
- (40) FRONTAGE LOT: The distance for which the front property line of the lot and the street right-of-way line are coincident.
- (41) FRONTAGE, STREET: All the property on the side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end street.
- (42) GARAGE APARTMENT: A dwelling unit for one (1) family erected above a private garage detached from the main dwelling. A type of accessory unit.
- (43) GARAGE, PARKING: A commercially or publicly owned building or portion thereof open to the general public designed and/or used for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, and in connection with which may be performed general automotive servicing as distinguished from automotive repairs.
- (44) GARAGE, PRIVATE: An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building. A carport shall be considered as a private garage.

- (45) GARAGE, REPAIR: A building or portion thereof, other than a private or parking garage, designed or used for the storage, servicing, repairing, equipping and hiring of motor driven vehicles.
- (46) GROSS ACRE: Total acreage included in property.
- (47) HEIGHT: Shall mean when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- (48) HOME OCCUPATION: An accessory business use conducted entirely within a minor portion of a dwelling by the occupants thereof. The term "home occupation" includes all categories of home occupations, including home businesses, and residential businesses.
- (49) HOTEL: A building in which lodging or board and lodging are provided for more than 12 persons and offered to the public for compensation and in which ingress and egress to and from each sleeping room is generally made through the interior of the building.
- (50) INDUSTRIALIZED BUILDINGS: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been made, fabricated, formed or assembled in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. "Industrialized building" does not include manufactured housing. All industrialized buildings erected in the City of Barnesville shall bear the seal of the Georgia Department of Community Affairs.
- (51) INSTITUTION: A non-profit corporation or a non-profit establishment.
- (52) JUNKED AUTOMOBILE: Any automobile the condition of which is wrecked, dismantled, partially dismantled, inoperative, or discarded, and is not currently licensed by the State of Georgia.
- (53) KENNELS: Any location where raising, grooming, caring for, boarding, or treating of dogs, cats, of other small animals for commercial purposes is carried on within the City of Barnesville.
- (54) LAUNDRY AND DRY CLEANING PICK-UP: A business that provides only for the convenience of taking and picking up of laundry and dry cleaning machines.
- (55) LAUNDRY, SELF-SERVICE: A business that provided washing, drying, and/or ironing machines, and/or coin-operated dry cleaning machines.

- (56) LOADING SPACE: A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.
- (57) LOT: The basic development unit, an area with fixed boundaries, used or intended to be used by one building and its accessory building and not divided by any public highway or alley. A "zoning lot" must meet the requirements of the zoning district in which it is located and must front on a public street.
- (58) LOT DEPTH: The distance between front and rear lot lines. If two opposite sides of said lot are not parallel, the depth shall be deemed to be the mean distance between the front and rear lot lines.
- (59) LOT OF RECORD: A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Superior Court of Lamar County.
- (60) LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.
- (61) LOT, DOUBLE FRONTAGE: An interior lot having frontage on two parallel or approximately parallel streets not intersecting at a point common with the boundary lines of the lot.
- (62) LOT, INTERIOR: A lot other than a corner lot.
- (63) LOT WIDTH: The distance between the side boundaries of a lot measured at the front building line but not more than 50 feet from the front lot line.
- (64) MANUFACTURED HOME: A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42, U.S.C. 5401, et seq. The definition at the date of adoption of this part is as follows:

"Manufactured Home" means a structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the

requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files certification required by the Secretary of Housing and Urban Development complying with the standards established under this title."

A manufactured home is a single-family detached dwelling the placement of which in a R-3 district is dependent upon compliance with the standards in Section 850 of this Ordinance.

- (65) MANUFACTURED HOME PARK: Any lot where manufactured or mobile homes are customarily parked for a longer period of time than 30 days for living or sleeping purposes, or where spaces are set aside and offered for rent for use by manufactured or mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of manufactured or mobile homes on such premises.
- (66) MANUFACTURED HOME SUBDIVISION: A subdivision designed and intended for residential use where residence is primarily in manufactured or mobile homes.
- (67) MANUFACTURED HOME SPACE: A plot of ground within a manufactured home park designed for the accommodation of one manufactured or mobile home.
- (68) MOBILE HOME: A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width of forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.
- Any structure meeting the requirements under this definition shall be permitted only in manufactured home parks subject to the conditions and requirements as set forth in Article VII, Section 860 of this Ordinance. Existing lots or parcels containing mobile homes at the time of the adoption of this ordinance are hereby grandfathered and may be continued for that use as nonconforming use subject to Section 500 of this Ordinance.
- (69) MOTEL: A building or a group of buildings containing sleeping accommodations for rental primarily to automobile transients and in which ingress and egress to and from each sleeping room is generally to the outside the building.
- (70) NET ACRE: Gross acre less all land dedicated to public use.

- (71) NON-CONFORMING USE: The use of any building or land which was legal at the time of the passage of this Ordinance, or amendment thereto, but which building or use is no longer legal after the enactment of this Ordinance amendment thereto, with the regulations of the district in which it is situated.
- (72) OPEN SPACE: A yard area which is not used for or occupied by a driveway, off-street parking, loading space, drying yard or refuse storage area.
- (73) PARKING, OFF-STREET: An area designated for automobile storage which is wholly beyond any public street right-of-way.
- (74) PERSONAL CARE HOME: A profit or nonprofit facility, home or structure providing protective care and watchful oversight for residents. Such home, however, shall not provide chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the residents while inside the building. Personal care may include daily reminding of residents of their appointments, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care. The residents and staff shall live together as a single housekeeping unit and in a long-term, family-like environment.
- Personal care homes shall not provide services to any person who would constitute a direct threat to the health and safety of other individuals. The term "personal care home" shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. All personal care homes must have a permit from the Georgia Department of Human Resources and be located in commercial districts only.
- (75) PLANNING COMMISSION: The Barnesville Lamar County Planning Commission.
- (76) PLAT: A map, plan or layout of a county, city town, section, or subdivision indicating the location and boundaries of properties.
- (77) PREEXISTING TOWERS AND ANTENNAS: Any telecommunication tower or antenna for which a permit has been properly issued prior to the effective date of this Ordinance.
- (78) PRINCIPAL USE: The primary purpose for which land or a building is used.

- (79) **PROFESSIONAL**: When used in connection with "use" and "occupancy," a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use which would create any loud noise or noxious odors within the City of Barnesville.
- (80) **PUBLIC UTILITY**: A privately owned and operated business, franchised to use public rights-of-way and whose purpose is to systematically provide energy; power; water; transportation; or liquid, gaseous, or solid commodities to the general public.
- (81) **RESTAURANT, DRIVE-IN**: An eating establishment which caters to motor-driven vehicle business where the person being served consumes his food and/or drink while sitting in a motor driven vehicle, as opposed to a restaurant serving exclusively inside an enclosed building.
- (82) **RESTAURANT, DRIVE-THRU**: An eating establishment wherein a patron is served through a window or other device while remaining in a motor vehicle and where product is served to persons in a vehicle are not normally consumed on the premises.
- (83) **RIGHT-OF-WAY**: Access over or across particularly described property for a specific purpose or purposes.
- (84) **RIGHT-OF-WAY LINE**: The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.
- (85) **SHOPPING CENTER**: A group of commercial establishments planned, developed, and managed as a unit, with common off-street parking provided on the property.
- (86) **SIGN**: Definitions for signs are set forth in Article X of this Ordinance.
- (87) **SPECIAL USE PERMIT**: Permit which must be granted by the City Council in accordance with Article VI, Section 675 and Article XI of this Ordinance prior to establishing or erecting a use that is unclassified under this Ordinance of amendments thereto.
- (88) **STABLE**: An accessory building constructed for the caring and boarding of horses.
- (89) **STORY**: That portion of a building, other than a cellar, included between the surface of the floor and the ceiling above it.

- (90) STREET: A public way dedicated to and accepted by the city for the use of vehicular or pedestrian traffic by the general public and may be referred to as a street, highway, parkway, road, avenue, drive, boulevard, lane, place, etc.
- (91) STREET, ARTERIAL: A major street designed for continuous movement of all types of traffic but with less control over the access points from streets and adjacent property than freeways.
- (92) STREET, COLLECTOR: Provides frontage for access to lots and carries traffic to and from local streets. Traffic should have origin or destination in the immediate neighborhood.
- (93) STREET, FREEWAY: A multi-lane, limited access street designed for fast continuous movement of all types of traffic, with control over access to abutting property.
- (94) STREET, HALF: A street which does not meet the minimum right-of-way widths as set forth in this Ordinance.
- (95) STREET, LINE: The legal line between street right-of-way and abutting property.
- (96) STREET, LOCAL: The lowest order street, providing frontage for access to private lots, and carrying traffic having destination or origin on the street itself. Designed to carry traffic a slowest speed.
- (97) STRUCTURE: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- (98) SUBDIVIDER: Any person who undertakes the subdivision of land as herein defined within the confines of Barnesville.
- (99) SUBDIVISION: Any division of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, including any division of land involving a new street or a change in existing streets, and including re-subdivision and, where appropriate to the context, related to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included in this definition:
- (a) the sale or exchange of parcels of land between separate or common owners of adjoining properties, provided that additional lots are not thereby created, and that the modified lots are in accordance with the provisions of this Ordinance and other ordinances of the City.

- (100) **TOWER**: Shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.
- (101) **TOWNHOUSE**: One of a single-family dwelling units which are erected in a row as part of a single building, on adjoining lots, each being separated from the adjoining unit of units by a approved fire resistant party wall or walls extending from the basement of cellar floor to the roof along the dividing lot line.
- (102) **VARIANCE**: A departure from the applicable standards of the zoning ordinance relating to dimensional requirements which is granted or denied by the City Council based on a recommendation of the Planning Commission.
- (103) **VEHICLE, RECREATIONAL**: A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses.
- (104) **YARD**: A space on the same lot with a main building, such space being open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments an accessory buildings are expressly permitted.
- (105) **YARD, FRONT**: An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the yard shall be measured at right angles from the front lot line to the nearest point of the principal building, exclusive of steps. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. On lots having frontage on more than one street, the minimum front yard shall be provided for each street in accordance with the provisions of this Ordinance.
- (106) **YARD, REAR**: An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.
- (107) **YARD, SIDE**: An open, unoccupied space on the same lot with a main building, situated between the side line of the building and adjacent side

line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

- (108) ZONING: The power of the City of Barnesville to provide within its territorial boundaries for the zoning of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the use of property for which said zones or districts were established.

- (109) ZONING DEPARTMENT OFFICIAL: The individual designated by the City Manager to administer and enforce the provisions of these regulations.